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on the Community strategy 2007–2012 on health and safety at work
(2007/2146(INI))

Committee on Employment and Social Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the Community strategy 2007–2012 on health and safety at work (2007/2146(INI))

The European Parliament,

- having regard to the Commission communication (COM(2007)0062) on "Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work" and the accompanying Commission staff working documents (SEC(2007)0214), (SEC(2007)0215), (SEC(2007)0216),
- having regard to the EC Treaty , and in particular Articles 2, 136, 137, 138, 139, 140, 143 and 152 thereof,
- having regard to the Charter of Fundamental Rights of the European Union¹ and in particular Articles 27, 31 and 32 thereof,
- having regard to the ILO's conventions and recommendations in the field of health and safety at the workplace,
- having regard to Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (framework directive)² and to its individual directives,
- having regard to the conclusions of the European Council of 8-9 March 2007,
- having regard to its resolution of 23 October 2002 on the Community strategy on health and safety at work 2002-2006³,
- having regard to its resolution of 24 February 2005 on promoting health and safety at the workplace⁴,
- having regard to its resolution of 6 July 2006 on protecting European healthcare workers from blood borne infections due to needlestick injuries⁵,
- having regard to its resolution of 26 April 2007 on simplifying and rationalising the reports on practical implementation in the field of health and safety of workers⁶,
- having regard to its resolution of 23 May 2007 on promoting decent work for all⁷,
- having regard to its resolution of November 2007 on Community statistics on public

¹ OJ C 364, 18.12.2000, p. 1.

² OJ L 183, 29.6.1989, p. 1.

³ OJ C 300, 11.12.2003, p. 165.

⁴ OJ C 304, 1.12.2005, p. 278.

⁵ OJ C 303 E, 13.12.2006, p. 654.

⁶ OJ L 165, 27.6.2006, p. 21.

⁷ *Texts adopted*, P6_TA(2007)0206.

health and health and safety at work¹,

- having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy and the Committee on Women's Rights and Gender Equality (A6-0000/2007) ,
- A. whereas there is a positive correlation between the quality of health and safety standards in the workplace and financial performance in terms of overall performance, absenteeism, staff turnover rates, workers' motivation, improved corporate image and productivity,
 - B. noting that the most competitive economies have the best occupational health and safety (OHS) records, and that high levels of health and safety protection have a positive effect on public finances in terms of social security savings and higher productivity,
 - C. considering that more research on long-term effects of some working activities on health is necessary in order to better protect workers, as some illnesses appear only several years after the activity causing it was carried out,
 - D. whereas rest periods are of paramount importance for a high standard of protection of workers' health and safety,
 - E. whereas the ILO have estimated that each year approximately 130 000 people die in the EU from a work accident or a work-related disease,
1. Welcomes the Commission's ambitious target for a 25% reduction in workplace accidents but is extremely concerned at the lack of well-targeted measures together with a timetable and financial commitments which can then be measured and assessed; in the absence of these, calls on the Commission to undertake to report back to the European Parliament at the half-way stage of the strategy's period on its progress;
 2. Considers the Commission's strong focus on assisting SMEs to meet their health and safety obligations to be excellent and fully supports its approach;
 3. Regrets that the Communication is silent on targets for the reduction of occupational diseases but understands the difficulty in measuring occupational diseases; therefore urges the Commission to further develop the necessary statistical instruments, put in place the necessary measures and ensure that the necessary research is carried out in order to ensure that occupational diseases and in particular cancers are correctly identified, recognised and addressed;
 4. Stresses that the rehabilitation and reintegration of workers after ill health is vital and applauds the special focus on rehabilitation and reintegration called for in the national strategies;
 5. Expresses deep concern regarding the excessively high rate of accidents among temporary and short-term workers, which in some Member States is at least double that

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of permanent workers; points out that Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship establishes as a general rule that temporary workers have the same occupational health rights as other workers but that the directive fails to lay down specific mechanisms to make this principle workable in practice; calls on the Commission to remedy these shortcomings as a matter of urgency;

6. Considers that it is of the utmost importance to ensure better application of the existing legal instruments on OHS and therefore calls on the Commission and the Member States to use all available means in order to achieve this; measures to be considered should include:
 - a) minimum requirements for the quality of preventive services and work inspection,
 - b) tougher sanctions,
 - c) better assessments of legislative implementation,
 - d) exchange of best practice,
 - e) strengthening the culture of prevention,
 - f) greater involvement of employees in the workplace;

7. Considers labour inspections to be an essential part of implementing health and safety legislation and is concerned about the Commission's intention to reduce the number of SLIC members; therefore calls on the Commission to:
 - a) provide SLIC with the resources necessary to ensure it can perform effectively,
 - b) further develop knowledge sharing systems to ensure effective responses to requests for information and cooperation,
 - c) initiate evaluation research on the efficiency and impact of inspection activities as proposed by the SLIC,
 - d) introduce ways and means of evaluating national inspection systems, notably by setting scoreboards,

and calls on Member States to:

- e) provide adequate staff and financial resources for their national inspectorates,
 - f) increase the density of labour inspectors, to ensure at the very least a ratio of 1 to 10000 workers, in line with ILO recommendations,
 - g) increase the quality of labour inspectors through providing more multi-disciplinary training in areas such as psychology, ergonomics, hygiene and toxicology,
 - h) focus inspections on priority areas, sectors and undertakings with high levels of vulnerable groups such as migrant workers, temporary agency workers and young and ageing workers;

8. Recognises that the importance of prevention cannot be overstated and calls upon the Commission to implement the following measures in the strategy:
 - a) ensure that employers make provision for stringent preventive services in all

- workplaces,
- b) encourage prevention services to be fully multidisciplinary and reflect the hierarchy of measures provided for in the framework Directive 89/391/EEC,
 - c) stress that risk assessment should be a continuous ongoing process and not a one-off obligation, with full involvement of the employee,
 - d) ensure that as far as possible preventive activities are carried out in-house,
 - e) ensure that health surveillance goes hand in hand with prevention;
9. Congratulates the Commission on its proposals on education and training contained in its Communication and considers this to be a key factor in developing a preventive culture and that furthermore it should be a continuous and ongoing process;
10. Invites the Member States to assess the adoption of financial incentives to promote H&S in the work place, notably tax rebates or preference in call for tenders for safe enterprises and H&S certified businesses, introduction of a "bonus-malus" system in insurance policies and social security contributions, and financial incentives to replace obsolete or unsafe equipment;
11. Calls on the Commission to initiate a revision of Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the health and safety at work of pregnant workers and women who have recently given birth or are breastfeeding;
12. Welcomes the requirement for Member States to draw up national strategies; stresses that these strategies should cover the same period of time and begin on the same year so as to facilitate the comparison of both the national strategies and their results and that they should also set clear and measurable targets and have a special focus on SMEs and on vulnerable groups such as migrant workers, young and ageing workers, women, temporary agency workers and workers with disabilities;
13. Asks both the Commission and the Member States to fully apply the framework directive and the existing health and safety provisions to all workers including those often ignored such as farm labour, domestic workers and home workers and to consider all available options to extend EU health and safety provisions to the self-employed and the military where appropriate;
14. Considers that an employer's safety obligation should not just be to those he is legally bound to by an employment contract but also in subcontracting relations and that to this effect Member States should consider limiting the number of chains in the subcontract sequence and to impose joint liability on the principal contractor for the subcontractors' obligations towards their workers;
15. Awaits the outcome of the second phase of consultation of the social partners on musculoskeletal disorders (MSDs) and considers that the preferred option should be a directive, given the increasing occurrence of MSDs and the fact that the current legislation is clearly inadequate as it does not address all work situations or cover all risks concerning work-related MSDs;
16. Awaits the outcome of the second phase of consultation of the social partners on the revision of the 2004 carcinogens directive and considers that the preferred option should

be to amend that directive to include mutagens and substances toxic for reproduction and to propose a revision of the binding occupational exposure limit values (BOELVs) for carcinogens listed in the directive and to establish new BOELVs for some carcinogens, mutagens and reprotoxins not yet included in the directive with crystalline silica being a priority;

17. Welcomes the recent conclusion of the framework agreement between the social partners on harassment and violence in the workplace; regrets, however, that the agreement does not explicitly cover the issue of third party violence; therefore calls on the social partners to conclude a multi-sector agreement on this issue and the Commission to come forward with proposals should such an agreement not be attainable;
18. Stresses the importance of a continuous dialogue between all interested parties including the public authorities, employers, employees, their representatives and civil society as a key tool in the effective development of high health and safety standards; this dialogue should lead to a better knowledge of the real risks for the health and safety of workers at business and sector levels and to an exchange of good practices;
19. Considers that employee representation is central to any workplace health and safety policy; considers the positive correlation between the existence of health and safety representatives in the workplace and improved performance cannot be underestimated and calls on the Commission and the Member States to promote the participative approach and ensure as many workers as possible have access to health and safety representatives;
20. Considers that excessive working hours are a key factor in increased levels of accidents and illnesses at work and calls for a proper balance of work and family life;
21. Considers that it is vital to identify and monitor new and emerging risks – e.g. nanotechnologies and psychosocial risks; therefore congratulates the Bilbao Agency's risk observatory for its work and expects the Commission to act on its findings and come forward with the necessary proposals as and when new risks are identified;
22. Recommends the Bilbao Agency to conduct specific research into the particular problems and risks facing temporary and agency workers as well as those in subcontracted undertakings in order to facilitate the Commission and the Member States in combating the risks faced and properly implement the existing legislation concerning these groups;
23. Takes the view that in a global environment, it is necessary to cooperate with international organisations (WTO, WHO, ILO) and to ensure that international conventions and agreements on OHS are adopted and implemented by all parties; considers that this is an important factor in order to maintain the EU's competitiveness and to avoid EU undertakings being transferred outside the EU in search for a more permissive H&S legal environment; considers, furthermore, that this is a question of protecting human rights and should therefore be addressed when negotiating with third countries;
24. Therefore calls on Member States to respect international provisions on H&S and in particular to ratify ILO Convention C-187 and to implement recommendation R-197;
25. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

EXPLANATORY STATEMENT

The Commission's Communication on a Community Strategy 2007-2012 on health and safety at work

The Commission's Communication is to be welcomed and applauded for its particularly strong focus on accidents at work (setting a 25% target throughout the EU for reduction) and its commitment to support SMEs in implementing the existing regulatory framework. It is also very positive to see its emphasis on education and vocational training, the use of financial incentives and the proposed national strategies. However the rapporteur feels that the Communication is sadly lacking in its focus on occupational diseases and cancers which are by far more serious and more prevalent than accidents and with a greater cost to workers' health, business, productivity and society as a whole. The rapporteur is also disappointed at the lack of any real details regarding how it intends to accomplish the goals and intentions it lays out. What is needed are detailed action plans, with financial and timing commitments, on which progress can be measured and monitored. While few would disagree with the good intentions expressed in the Communication, they will prove to be meaningless if they result in no real action being taken.

Implementation and enforcement

The failure in effective implementation and enforcement and the need for much improvement cannot be stressed enough, although the rapporteur is convinced that this should not be to the exclusion of new initiatives, especially for new and emerging risks. What is required is the right mix of tougher and better labour inspections, effective prevention, appropriate incentives and sanctions, together with sharing best practice and increasing worker participation.

High-risk groups and undertakings

A worrying statistic is that the cases of occupational accidents and work-related illnesses have not been evenly spread among all workers. Groups of workers such as migrant workers, temporary agency workers, women, young and ageing workers all present rates of occupational accidents and diseases which are much higher than the EU average.

Similarly, undertakings such as SMEs, micro-enterprises and sectors such as construction, fisheries, agriculture and transport also present much higher rates, as do certain Member States. It is the rapporteur's position that these easily identifiable problem areas should be addressed as a matter of priority.

The problem is particularly acute for certain groups of vulnerable workers as mentioned in the previous paragraph. These groups are often employed in atypical forms of work such as working from home, on short-term employment contracts, or face increased risk due to the blurred responsibilities inherent in outsourcing and subcontracting. Most of these groups are usually at the lower end of the income scale and are at higher risk due to lack of training and lack of awareness about their rights and the risks involved in their work.

Member States should take full account in their national strategies of high-risk groups and sectors and focus on the problems concerning atypical work contracts.

Additionally, as many high-risk groups are not currently covered by the framework directive on health and safety at work the rapporteur considers that as many workers as possible should be covered and the principle that all workers should have the same occupational health and safety rights should be properly enforced.

There is also a strong obligation to protect pregnant women and a revision of the pregnant worker's directive is now due.

New initiatives

In this field there are two ongoing Commission consultations with the social partners concerning musculoskeletal disorders (MSDs) and carcinogens. The rapporteur considers the regulatory framework to be lacking in both areas and therefore is of the opinion that action is necessary, in line with the Commission's preferred path of action, as expressed in its second-phase consultation documents to the social partners.

The international outlook

The benefits of international cooperation are undoubtedly of great importance and are beneficial in terms of the EU's Member States improving their own levels of health and safety at work and in order to ensure that our trading partners and neighbours do not seek to put themselves at a short-term (but ultimately counterproductive) advantage by using lower standards to reduce costs and undercut those with higher levels of health and safety at work. However the main issue should be one of respect and dignity for all workers in all countries and the EU is in a strong position to ensure this through its negotiations regarding trade, aid and the appetising carrot of EU membership.

Other issues

This draft report by no means includes all the issues and points the rapporteur considers of importance but due to space constraints not all could be included. However they do deserve attention in the European Parliament's final resolution.